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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/189,112 11/09/98 SHAFFER

S 98P7917US

EXAMINER

WM02/1010

SIEMENS CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
186 WOOD AVENUE SOUTH  
ISELIN NJ 08830

HQM, S

ART UNIT

PAPER NUMBER

2661

DATE MAILED:

10/10/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/189,112

Applicant(s)

SHAFFER ET AL.

Examiner

Shick C Hom

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 November 1998.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit:

### **DETAILED ACTION**

#### ***Drawings***

1. The drawings are objected to because in Figs. 1, 4, 6, and 10, a brief descriptive label must be provided for all numbered boxes, i.e. in Fig. 1, provide labels for 106, 108, 110, computers, 112 telephony device, 120 gateway, 103 gatekeeper, 107 client software, in Figs 4, 6, and 10 boxes 410, 510, and 1004 provide branch labels, "N" and "Y." Correction is required.

#### ***Specification***

2. The abstract of the disclosure is objected to because lesser known acronyms must be spelled out, i.e. Telephony-over-LAN ToL, telephony feature access TFA. Correction is required. See MPEP § 608.01(b).

#### ***Claim Objections***

3. Claims 1 and 14 are objected to because of the following informalities: in claims 1 and 14 delete parentheses around acronyms for clarity, i.e. in claim 1 lines 3 and 4 delete "(PBX)" and "(TFA)" and insert ---PBX--- and ---TFA---. Appropriate correction is required.

Art Unit:

***Claim Rejections - 35 USC § 112***

4. Claims 1-13 and 18-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 line 10 which recite "one or more telephony devices" is not clear as to whether it is reciting ---said one or more telephony devices--- of claim 1 line 8 or ---a second one or more telephony devices---. In claim 5 line 2 which recite "said ToL server" lacks clear antecedent basis because no ToL server have been previously recited in the claims and therefore the limitation is not clearly understood. In claim 6 line 3 and claim 7 lines 1-2 which recite "said call setup message" lacks clear antecedent basis. In claim 8 line 2 which recite "a call" is not clear as to whether it is reciting ---said call--- of claim 6 line 5. In claim 18 line 2 second occurrence which recite "a TFA call" is not clear as to whether it is reciting ---said TFA call---. In claims 19 and 20 line 1 which recite "said TFA client" lacks clear antecedent basis.

Art Unit:

Claims 2-4 and 9-13 are rejected under 35 U.S.C. 112, second paragraph because they depend from rejected claims 1 and 6-8.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit:

6. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spell et al. in view of Keeler et al.

Spell et al. disclose nearly all the subject matter now claimed. Note col. 1 lines 13-31 which recite the POTS, plain old telephone service, being coupled to the private branch exchange, PBX, and the ISDN, Integrated Services Digital Network service with telecommunications usage including voice traffic, telefacsimile fax, digital or audio-modulated digital signals used for network or Internet communications and col. 5 lines 36-55 which recite the data server including computers and client being coupled using the ISDN communications link whereby a router is coupled to the client having a high bandwidth connection to a Local Area Network LAN clearly anticipate the telecommunications system including a PBX coupled to a LAN whereby the PBX includes a telephony access and the server coupled to the LAN as in claims 1, 6-7, 14 and the client as in claim 11. Col. 12 line 66 to col. 13 line 62 which recite means for bandwidth allocation based on considerations of the user's telecommunications charges by configuring and/or modifying a decision rules base taking into account current tariffs and other charges so as to provide high bandwidth service as needed or desired while reducing or minimizing costs to end users whereby

Art Unit:

providing a way to allocate bandwidth, such as ISDN bandwidth using bandwidth requirements based on data stream characteristics clearly anticipate the server monitoring bandwidth usage of calls on the LAN and means for accounting for bandwidth requirement of the one or more telephony devices coupled to the LAN as in claims 1, 4, 6, 10, 14 and reads on the step of accessing a database at the server to determine if bandwidth is available on the LAN as in claim 6. Col. 7 lines 32-50 which recite using H.323 data type clearly anticipate the H.323 compatible server and client as in claims 2, 5, 12, 13, and 17, respectively.

Spell et al. did not recite a gateway as in claims 1, 14, and 19-20, the means for aborting a call as in claims 3, 15, 16, 18, means for preventing a call as in claim 4, informing the server when a call processed is completed and returning an acknowledge message as in claims 8-9.

Keeler et al. teach that it is known to transmit the call status information to host computers through a processor bus, server processors, and gateway interfaces for generating route requests whereby the destination device acknowledges the call when the route is considered to be complete as set forth at col. 3 lines 33-55 and col. 4 line 65 to col. 5 line 17, respectively, in the field of digital and multiplex communications for the purpose of providing a method of

Art Unit:

dynamically routing incoming calls through a PBX which optimize operation of the PBX which clearly anticipate the gateway as in claims 1 and 14 and the means for informing the server when a call processed is completed and returning an acknowledge message as in claims 8-9. Col. 7 line 12 to col. 8 line 7 which recite sending a message to the ACD route manager to prevents the ACD route manager from further processing the incoming call and the ACD route manager aborting the connection request clearly anticipate the means for aborting a call as in claims 3, 15, 16, 18 and means for preventing a call as in claim 4.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the gateway, the means for aborting a call, means for preventing a call, informing the server when a call processed is completed and returning an acknowledge message as taught by Keeler et al. to the system of Spell et al. because Keeler et al. teach the desirable advantage of providing a method of dynamically routing incoming calls through a PBX which optimize operation of the PBX and said method optimizing operation of the PBX being desirable to achieve more efficient system operation in Spell et al.



Art Unit:

**Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shaffer et al. disclose methods and system for providing data and telephony security.

Pickett discloses systems and methods for multiple mode voice and data communications using intelligently bridged TDM and packet buses.

Bass et al. disclose methods, systems and computer program products for suppressing multiple destination traffic in a computer network.

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for Technology Center 2600 only)

Art Unit:

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (2600 Receptionist at (703) 305-4750).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick Hom whose telephone number is (703) 305-4742. The examiner's regular work schedule is Monday to Friday from 8:00 am to 5:30 pm EST and out of office on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Olms, can be reached at (703) 305-4703.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

SH

April 20, 2002